

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DOUGLAS JAMES BITTINGER,)
Petitioner,) Case No. 06 - 558
vs) Judge Thomas M. Hardiman /
DAVID DIGUGLIELMO and THE) Magistrate Judge Lisa Pupo Lenihan
ATTORNEY GENERAL OF THE STATE)
OF PENNSYLVANIA,)
Respondents.)

ORDER

Petitioner has filed a habeas petition pursuant 28 U.S.C. Section 2254, which seeks to challenge his conviction. Named Respondents include the Attorney General of Pennsylvania as well as his custodian. Petitioner fails, however, to name the District Attorney of the county in which he was convicted as a respondent. This is required because the District Attorney is the proper party respondent in the Commonwealth of Pennsylvania when a habeas petitioner is challenging his conviction. Therefore,

IT IS ORDERED this 27th day of October , 2006, that Petitioner file an amended petition naming all of the correct respondents, including the District Attorney of the county in which petitioner was convicted.

IT IS FURTHER ORDERED that the amended petition shall be filed no later than **November 17, 2006**. Failure to file an amended petition with the Clerk of Court by **November 17, 2006**, may result in a recommendation to the District Judge that this Petition be dismissed for failure to prosecute.

IT IS FURTHER ORDERED that the Clerk of Court shall provide Petitioner with a pro

se habeas package so that he might correctly prepare his amended petition.

IT IS FURTHER ORDERED that Plaintiff is allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.1.3(B) of the Local Rules for Magistrates. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

s/Lisa Pupo Lenihan
Lisa Pupo Lenihan
United States Magistrate Judge

cc: Douglas James Bittinger
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